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3 **UNITED STATES DISTRICT COURT**  
4 **CENTRAL DISTRICT OF CALIFORNIA**  
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7 SECURITIES AND EXCHANGE  
8 COMMISSION,

9 Plaintiff,

10 vs.

11 JONATHAN WILLIAM MIKULA, *et*  
12 *al.*,

13 Defendants.  
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Case No. 2:22-cv-07096-SB-E

**FINAL JUDGMENT AS TO  
DEFENDANT CHRISTIAN  
FERNANDEZ**

1 The Securities and Exchange Commission having filed a Complaint and  
2 Defendant Christian Fernandez a/k/a Christian Crockwell (“Defendant”) having  
3 entered a general appearance; consented to the Court’s jurisdiction over Defendant  
4 and the subject matter of this action; consented to entry of this Final Judgment;  
5 waived findings of fact and conclusions of law; and waived any right to appeal from  
6 this Final Judgment:

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
9 permanently restrained and enjoined from violating, directly or indirectly, Section  
10 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C.  
11 § 78j(b), and Rule 10b-5(a) and (c) promulgated thereunder, 17 C.F.R. § 240.10b-  
12 5(a), (c), by using any means or instrumentality of interstate commerce, or of the  
13 mails, or of any facility of any national securities exchange, in connection with the  
14 purchase or sale of any security:

- 15 1. to employ any device, scheme, or artifice to defraud; or  
16 2. to engage in any act, practice, or course of business which operates or  
17 would operate as a fraud or deceit upon any person.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
19 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
20 binds the following who receive actual notice of this Final Judgment by personal  
21 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and  
22 attorneys; and (b) other persons in active concert or participation with Defendant or  
23 with anyone described in (a).

24 II.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
26 Defendant is permanently restrained and enjoined from violating Section 17(a)(1) and  
27 (a)(3) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a)(1), (3),  
28 in the offer or sale of any security by the use of any means or instruments of

1 transportation or communication in interstate commerce or by use of the mails,  
2 directly or indirectly:

- 3 1. to employ any device, scheme, or artifice to defraud; or
- 4 2. to engage in any transaction, practice, or course of business which  
5 operates or would operate as a fraud or deceit upon the purchaser.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
7 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
8 binds the following who receive actual notice of this Final Judgment by personal  
9 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
10 attorneys; and (b) other persons in active concert or participation with Defendant or  
11 with anyone described in (a).

12 III.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
14 is permanently restrained and enjoined from violating Section 17(b) of the Securities  
15 Act, 15 U.S.C. § 77q(b), by the use of any means or instruments of transportation or  
16 communication in interstate commerce or by the use of the mails, to publish, give  
17 publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter,  
18 investment service, or communication which, though not purporting to offer a  
19 security for sale, describes such security for a consideration received or to be  
20 received, directly or indirectly, from an issuer, underwriter, or dealer, without fully  
21 disclosing the receipt, whether past or prospective, of such consideration in the  
22 amount thereof.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
24 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
25 binds the following who receive actual notice of this Final Judgment by personal  
26 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
27 attorneys; and (b) other persons in active concert or participation with Defendant or  
28 with anyone described in (a).

## IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Sections 21(d)(1) and 21(d)(5) of the Exchange Act, 15 U.S.C. § 78u(d)(1), (5), and Section 20(b) of the Securities Act, 15 U.S.C. § 77t(b), Defendant is permanently restrained and enjoined from, directly or indirectly, including but not limited to, through any entity he owns or controls, assisting with, facilitating, or receiving compensation in any form for a Promotional Campaign related to any security. For purposes of this injunction, “Promotional Campaign” means an effort, the goal of which is to generate interest in any security by, directly or indirectly, publishing, giving publicity to, or circulating any form of written communication, whether electronic or hard copy, which, though not purporting to offer a security for sale, describes such security.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

## V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$458,160, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$41,557.44, for a total of \$499,717.44. Defendant shall satisfy this obligation by paying \$499,717.44 to the Securities and Exchange Commission within 30 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also

1 be made directly from a bank account via Pay.gov through the SEC website at  
2 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified  
3 check, bank cashier's check, or United States postal money order payable to the  
4 Securities and Exchange Commission, which shall be delivered or mailed to

5 Enterprise Services Center

6 Accounts Receivable Branch

7 6500 South MacArthur Boulevard

8 Oklahoma City, OK 73169

9 and shall be accompanied by a letter identifying the case title, civil action number,  
10 and name of this Court; Christian Fernandez as a defendant in this action; and  
11 specifying that payment is made pursuant to this Final Judgment.

12 Defendant shall simultaneously transmit photocopies of evidence of payment  
13 and case identifying information to the Commission's counsel in this action. By  
14 making this payment, Defendant relinquishes all legal and equitable right, title, and  
15 interest in such funds and no part of the funds shall be returned to Defendant.

16 The Commission shall hold the funds (collectively, the "Fund") until further  
17 order of this Court. The SEC may propose a plan to distribute the Fund subject to the  
18 Court's approval, and the Court shall retain jurisdiction over the administration of  
19 any distribution of the Fund.

20 The Commission may enforce the Court's judgment for disgorgement and  
21 prejudgment interest by using all collection procedures authorized by law, including,  
22 but not limited to, moving for civil contempt at any time after 30 days following entry  
23 of this Final Judgment. Defendant shall pay post judgment interest on any amounts  
24 due after 30 days of entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

25 VI.

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
27 based on Defendant's cooperation in a Commission investigation and related  
28 enforcement action, the Court is not ordering Defendant to pay a civil penalty. If at

1 any time following the entry of the Final Judgment the Commission obtains  
2 information indicating that Defendant knowingly provided materially false or  
3 misleading information or materials to the Commission or in a related proceeding, the  
4 Commission may, at its sole discretion and without prior notice to the Defendant,  
5 petition the Court for an order requiring Defendant to pay a civil penalty. In  
6 connection with any such petition and at any hearing held on such a motion: (a)  
7 Defendant will be precluded from arguing that he did not violate the federal securities  
8 laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the  
9 Judgment, this Consent, or any related Undertakings; (c) the allegations of the  
10 Complaint, solely for the purposes of such motion, shall be accepted as and deemed  
11 true by the Court; and (d) the Court may determine the issues raised in the motion on  
12 the basis of affidavits, declarations, excerpts of sworn deposition or investigative  
13 testimony, and documentary evidence without regard to the standards for summary  
14 judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under  
15 these circumstances, the parties may take discovery, including discovery from  
16 appropriate non-parties.

17 VII.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
19 Consent is incorporated herein with the same force and effect as if fully set forth  
20 herein, and that Defendant shall comply with all of the undertakings and agreements  
21 set forth therein.

22 VIII.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
24 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
25 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
26 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
27 amounts due by Defendant under this Final Judgment or any other judgment, order,  
28 consent order, decree or settlement agreement entered in connection with this

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
3 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

4 IX.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
7 Judgment.

8 X.

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal  
10 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith  
11 and without further notice.

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13 Dated: February 20, 2024



14 Stanley Blumenfeld, Jr.  
15 United States District Judge  
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